

Ordinance No.: 17-25
Zoning Text Amendment No.: 12-15
Concerning: Guest House - Conditions
Draft No. & Date: 2 – 12/4/12
Introduced: September 25, 2012
Public Hearing: November 13, 2012
Adopted: December 4, 2012
Effective: December 24, 2012

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- add conditions necessary for a guest house

By amending the following section of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2. “DEFINITIONS AND INTERPRETATION.”
Section 59-A-2.1. “Definitions.”

And adding the following section:

DIVISION 59-A-6. “USES PERMITTED IN MORE THAN ONE CLASS OF
ZONE.”
Section 59-A-6.19. “Guest House.”

<p>EXPLANATION: <i>Boldface indicates a Heading or a defined term.</i> <i><u>Underlining</u> indicates text that is added to existing law by the original text amendment.</i> <i>[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.</i> <i><u><u>Double underlining</u></u> indicates text that is added to the text amendment by amendment.</i> <i>[Double boldface brackets] indicate text that is deleted from the text amendment by amendment.</i> <i>* * * indicates existing law unaffected by the text amendment.</i></p>

OPINION

Zoning Text Amendment No. 12-15 was introduced on September 25, 2012. The Department of Permitting Services (DPS) interprets the Zoning Ordinance as allowing a guest house for the use of the transient owner of the property when the principal dwelling is rented to a different household. ZTA 12-15 would establish that a guest house must be for the guests of the resident homeowner and that the rental of the principal dwelling would extinguish the right to build a guest house.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be tabled. The Planning Board expressed the opinion that the issue of guest houses and their relationship to accessory apartments and registered living units should be addressed in the Zoning Ordinance Rewrite. Planning Staff recommended approval of ZTA 12-15 as introduced.

The Council's advertised public hearing for October 30, 2012 was not held but was continued to a later date due to Super-storm Sandy. The Council held a public hearing on November 13, 2012 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on November 26, 2012 to review the amendment. The Committee (3-0) recommended approval of ZTA 12-15 as introduced. In the Committee's opinion, the ZTA appropriately reflects the idea that a guest house is intended for the use of a resident owner's guests. On November 27, 2012, the Executive recommended an amendment to ZTA 12-15 to clarify that a guest house was not permitted on the same lot as an accessory apartment or a registered living unit. The Committee agreed to recommend that amendment to the Council.

The Committee would note that their recommendation is not intended to direct the Planning Board's draft of the Zoning Ordinance Rewrite. The Committee expects the Planning Board to present its ideas to the Council even if those ideas differ from ZTA 12-15.

The District Council reviewed Zoning Text Amendment No. 12-15 at a worksession held on December 4, 2012 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 12-15 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

Sec. 59-A-2.1. Definitions.

* * *

House, guest: A detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors of the resident owner of the ~~[[principle]]~~ principal dwelling.

* * *

Division 59-A-6. USES PERMITTED IN MORE THAN ONE CLASS OF ZONE.

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Sec. 59-A-6.19. Guest House.

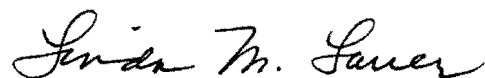
A guest house is for the transient, nonpaying visitors of the resident owner of the ~~[[principle]]~~ principal dwelling. A guest house must not be located on a lot:

- (a) that is occupied by a renter;
- (b) that has an accessory apartment, registered living unit, or where a guest room for rent or a boardinghouse exist; or
- (c) where the owner of the lot resides off-site for more than 6 months in any calendar year.

* * *

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council